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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,515	07/29/2003	Luke K. Surazski	062891.0944	7899
5073	7590	02/07/2008		
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER GAUTHIER, GERALD	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 02/07/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com
glenda.orrantia@bakerbotts.com

Office Action Summary

Application No.

10/630,515

Applicant(s)

SURAZSKI ET AL.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29 is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/05/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "Logic for coordinating operation of packet-based audio devices" does not fall in the category of: machine process or composition of matter. Therefore "logic" is a software and is not a tangible matter, it is nonstatutory subject matter.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-28** are rejected under 35 U.S.C. 102(e) as being anticipated by Isely et al. (US 2002/0124097 A1).

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Regarding **claims 1, 10, 19 and 28**, Isely discloses a method for zone based distribution of audio signals (paragraph 0001) comprising:

discovering a plurality of packet-based audio devices within an acoustic space (paragraph 0037);

initializing the packet-based audio devices to participate in a communication session (paragraph 0035);

generating an output stream comprising a plurality of packets each including digitally encoded audio (paragraph 0038);

calculating a time for play out of a selected one of the packets (paragraph 0061);

providing the output stream to the packet-based audio devices (paragraph 0038);

and

commanding each of the packet-based audio devices to output the audio from the selected packet at the calculated time (paragraph 0062).

Regarding **claims 2, 11 and 20**, Isely discloses a method, wherein commanding the packet-based audio devices to output the audio from the selected packet at the calculated time comprises embedding instructions within a field of the selected packet, the instructions specifying the calculated time (paragraph 0061).

Regarding **claims 3, 12 and 21**, Isely discloses a method, wherein commanding the packet-based audio devices to output the audio from the selected packet at the calculated time comprises: generating a command packet separate from the output

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stream, the command packet identifying a sequence number of the selected packet and the calculated time (paragraph 0060); and

communicating the command packet to the packet-based audio devices (paragraph 0060).

Regarding **claims 4, 13 and 22**, Isely discloses a method, wherein initializing the packet-based audio devices to participate comprises commanding each of the packet-based audio devices to synchronize clocks with a central network time server (paragraph 0061).

Regarding **claims 5, 14 and 23**, Isely discloses a method, further comprising commanding each of the packet-based audio devices to output audio at a particular volume level (paragraph 0063).

Regarding **claims 6, 15 and 24**, Isely discloses a method, further comprising: receiving a volume change indication from one of the packet-based audio devices, the volume change indication specifying a volume level (paragraph 0063); and

communicating a command to all other ones of the packet-based audio devices, the command specifying the volume level (paragraph 0063).

Regarding **claims 7, 16 and 25**, Isely discloses a method, further comprising: receiving input streams from each of the packet-based audio devices, each of the input

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streams comprising a plurality of packets each including digitally encoded audio (paragraph 0062);

selecting one of the input streams (paragraph 0062);

generating a second output stream using the selected input stream (paragraph 0062); and

communicating the second output stream to participants in the communication session outside of the acoustic space (paragraph 0062).

Regarding **claims 8, 17 and 26**, Isely discloses a method, further comprising: determining an algorithmic delay for each of the packet-based audio devices, the algorithmic delay indicating a time delay from receiving a packet to providing play out of audio from the received packet (paragraph 0063); and

calculating the time for play out of the selected one of the packets based on the algorithmic delays from the packet-based audio devices (paragraph 0063).

Regarding **claims 9, 18 and 27**, Isely discloses a method, further comprising removing one of the packet-based audio devices from the communication session before completion of the communication session based upon measured network conditions (paragraph 0068).

Allowable Subject Matter

4. **Claim 29** is allowed.

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner
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GG
January 25, 2008